



Governor  
Janet Napolitano

**ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY**  
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**Executive Director**  
Jack Confer

May 8, 2007

**VIA REGULAR MAIL**

Joseph Sherman, D.O.  
Desert View Clinic  
11361 N 99th Ave #101  
Peoria, AZ 85054

RE: Letter of Concern and Non-Disciplinary Order for Continuing Medical Education, Case No. 3775

Dear Dr. Sherman,

At their meeting on April 28, 2007, the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board") conducted a case review on the above-referenced complaint. Based on the information presented, the Board found there was insufficient evidence to conclude that your conduct constituted unprofessional conduct or to support direct action against your license. However, the Board voted to issue you this advisory LETTER OF CONCERN pursuant to the provisions of A.R.S. 32-1855 (D) (2). The Board was concerned that failure to complete patient examination and procedures without utilizing sterile techniques could ultimately lead to a violation of A.R.S. §§ 32-1854 (6) & (38) which states:

"Engaging in the practice of medicine in a manner that harms or may harm a patient or that the board determines falls below the community standard." and "Any conduct or practice that impairs the licensee's ability to safely practice medicine or that may reasonably be expected to do so."

In addition, pursuant to A.R.S. § 32-1855 (D) (3), the Board mandated completion of twenty (20) hours of continuing medical education in the area aseptic technique and sterile patient examinations. These CME's shall be completed in addition to that normally required for renewal of your license and shall be pre-approved by the Executive Director before completion.

A Letter of Concern is a non-disciplinary action that remains part of the public record of your license for five years from the date of issuance (April 28, 2007). During those years it will be provided in response to requests for copies of your license file or verifications of license status, including being posted on the Board's website. It also may be cited in future actions against your license. Because it is not a disciplinary action, it is not reported to the National Practitioner Data Base or Health Care Integrity and Protection Databank. Based on the information presented, the Board found that there were no violations of state law or rule directly related to the complaint.

Please contact me with any questions, comments or concerns. Thank you.

Respectfully,



Jack Confer  
Executive Director

JC/s

Copy: Calvin Raup, Esquire  
Complainant  
File